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Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

[X] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

[] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner _____ at Facsimile No. _____ at _____ a.m./p.m.

Dated: April 16, 2002

Name of Person Certifying: Nancy Hine
Printed Name: Nancy Hine

TECH CENTER 1600/2900

MAY 03 2002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Carl Alexander Kamb	Assignee:	Deltagen, Inc.
Filing Date:	August 23, 2001	Examiner:	Not Assigned
Serial No.:	09/935,929	Group Art Unit:	Not Assigned
Title:	Methods for Identifying, Characterizing and Evolving Cell-Type Specific CIS Regulatory Elements		

Assistant Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached Form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application.

I. Timing of the Information Disclosure Statement:

This Information Disclosure Statement is filed:

- ☐ With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- ☐ Within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.
- ☒ Before the mailing date of a first Office action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 50-1193 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).

This Information Disclosure Statement is filed:

- ☐ After the first Office Action and more than three months after the application's filing date; or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and the Commissioner is hereby authorized to charge Deposit Account No. [] for the fee (\$180) set forth in 37 C.F.R. § 1.17(p) and any additional required fees.

This Information Disclosure Statement is filed:

- ☐ After the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$180.00) set forth in 37 C.F.R. § 1.17(i)(1) and a certification as specified in 37 C.F.R. § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the Information Disclosure Statement.

The undersigned certifies that:

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

II. Copies of the Cited Items:

- ☐ Copies of all of the items listed on the attached Form PTO-1449 are enclosed.
- ☐ Copies of only the following items listed on the attached Form PTO-1449 are enclosed: _____.
- ☒ Copies of those items which are marked with an asterisk (*) in the attached Form PTO-1499 are not supplied because they were previously cited by or submitted to the Patent Office in a prior Application No. 09/320,080, filed May 26, 1999 and relied upon in this application for an earlier filing date under 35 U.S.C § 120. See 37 C.F.R. § 1.98(d).;
- ☒ Copies of those items which are marked with a double asterisk (**) are not supplied because they were previously cited by or submitted to the Patent Office in a prior Application No. 08/812,994, filed July 16, 1998, now patent

No. 5,955,275, issued September 21, 1999 and relied upon in this application for an earlier filing date under 35 U.S.C § 120. See 37 C.F.R. § 1.98(d).

- ☐ Copies of those items which are marked with a triple asterisk (***) in the attached Form PTO-1499 were cited in a foreign examination report in a related case. A copy of the search report and the cited references not already of record in this application are attached hereto.

III. Concise Explanation of Relevance:

- ☒ A concise explanation of relevance of the items listed on Form PTO-1449 is not given.
- ☐ A concise explanation of relevance of the items listed on Form PTO-1449 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references (copy attached).

IV. Conclusion:

Citation of the above documents shall not be construed as:

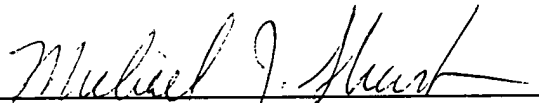
1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 with initials or other appropriate marks.

The Commissioner is hereby authorized to charge Deposit Account No. 50-1193 Docket No. 20410-7001 for any additional fees required in connection with the filing of this Information Disclosure Statement.

DATE: April 16, 2002

Respectfully submitted,

By: 
Michael J. Shuster, Ph.D.
Registration No.: 41,310

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FORM PTO-1449 (Modified)

LIST OF PATENTS AND PUBLICATIONS FOR
APPLICANT(S)' INFORMATION DISCLOSURE
STATEMENT

(Use several sheets if necessary)

ATTY. DOCKET NO.

20410-7001 US

SERIAL NO.

09/935,929

APPLICANT

Kamb

FILING DATE

August 23, 2001

GROUP ART UNIT:

Not Assigned

TECH CENTER 1600/2900

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REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

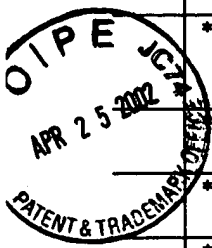
EXAM'R INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	Subclass	Filing Date f Appropriate
	*A1	5,401,629	03/28/95	Harpold et al.			
	**A2	5,217,889	06/08/93	Roninson et al.			
	*A3	5,691,137	11/25/97	Rosbash et al.			

FOREIGN PATENT DOCUMENTS

EXAM'R INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	Subclass	TRANSLAT'N	
							yes	no
	B1							
	B2							
	B3							

OTHER ART (Include Author, Title, Date, Pertinent Pages, etc.)

**C1	Anderson M.T., Tjioe I.M., Lorincz M.C., Parks D.R., Herzenberg L.A., Nolan G.P., Herzenberg, "Simultaneous Fluorescence-Activated Cell Sorter Analysis of Two Distinct Transcriptional Elements Within a Single Cell Using Engineered Green Fluorescent Proteins," L.A., <i>Proc. Natl. Acad. Sci. (USA)</i> 93: 16, 8508-8511 (1996)
*C2	Badia, E., Duchesne, M.J., Pons, M., and Nicolas, J.C., "Membrane Targeting of Firefly Luciferase: A New Bioluminescent Reporter Gene, <i>Analytical Biochemistry</i> 217, 333-335 (1994)
**C3	Dorsky, David I., et al., "Detection of HIV-1 Infection with a Green Fluorescent Protein Reporter System", <i>Journal of Acquired Immune Deficiency Syndromes and Human Retrovirology</i> , Lippincott-Raven Publishers, Philadelphia, Vol. 13, pp. 308-313 (1996)
**C4	Duchange N., Ochoa A., et al., Identification of an Enhancer Involved in the Melanoma-specific Expression of the Tumor Antigen Melanotransferrin Gene," <i>Nucleic Acids Res.</i> 20: 2853-2859 (1992)
**C5	Fuse N., Yasumoto K., et al., Identification of a Melanocyte-Type Promoter of the Microphthalmia-Associated Transcription Factor Gene," <i>Biochem. Biophys. Res. Commun.</i> 219: 702-707 (1996)
**C6	Gervais, Alain, et al., "A New Reporter Cell Line to Monitor HIV Infection and Drug Susceptibility <i>in vitro</i> ", <i>Proc. National Academy of Science</i> , Vol. 94, pp. 4653-4658 (April 1997)
**C7	Hagen D.C., McCaffrey G., Sprague G.F. Jr., "Pheromone Response Elements Are Necessary and Sufficient for Basal and Pheromone-Induced Transcription of the FUS1 Gene of <i>Saccharomyces cerevisiae</i> ," <i>Mol. Cell Biol.</i> 11: 6, 2952-61 (1991)
**C8	Herskowitz I., "Functional Inactivation of Genes by Dominant Negative Mutations," <i>Nature</i> 329: 219-222 (1987)
*C9	Li, Joachim J., and Herskowitz, Ira, "Isolation of ORC6, a Component of the Yeast Origin Recognition Complex by a One-Hybrid System," <i>Science</i> , Vol. 262, 17 December 1993
*C10	Kam-Leung, M., et al., "Examination of Mammalian Basic Helix-Loop-Helix Transcription Factors Using a Yeast One-Hybrid System," <i>DNA and Cell Biology</i> , 15:1, pp. 1-8, (1996)



**C11	Kavathes P., Sukhatme V.P., <i>et al.</i> , Isolation of the Gene Encoding the Human T-lymphocyte Differentiation Antigen Leu-2 (T8) BY Gene Transfer and Cdna Subtraction," <i>Proc. Natl. Acad. Sci. (USA)</i> 81: 7688-7692 (1984)
**C12	Lewin B, <i>Genes V</i> , Chapter 29, Building the Transcription Complex: Promoters, Factors, and RNA Polymerases," Oxford University Press, Oxford, U.K. (1994), pp. 847-877.
*C13	Luo Ying, et al., "Cloning and Analysis of DNA-Binding Proteins by Yeast One-Hybrid and One-Two-Hybrid Systems," <i>BioTechniques</i> , 20:4, pp. 564-568 (April 1996)
*C14	Marcus, Sandra L., "Identification of COUP-TFII as a peroxisome proliferator response element binding factor using genetic selection in yeast: COUP-TFII activates transcription I yeast but anatagonizes PPAR signaling in Mammalian cells," <i>Molecular and Cellular Endocrinology</i> 120:31-39 (1996)
*C15	Qin Z., Kruger-Krasagakes S., <i>et al.</i> , "Expression of Tumor Necrosis Factor by Different Tumor Cell Lines Results Either in Tumor Suppression or Augmented Metastasis," <i>Exp. Med.</i> 178: 355-360
**C16	Serrano M., Hannon G.J., <i>et al.</i> , "A New Regulatory Motif in Cell-Cycle Control Causing Specific Inhibition of Cyclin D/CDK4," <i>Nature</i> 366, 704-707 (1993)
**C17	Shibata K., Muraosa Y., <i>et al.</i> , "Identification of a cis-Acting Element that Enhances the Pigment Cell-specific Expression of the Human Tyrosinase Gene," <i>J. Biol. Chem.</i> 267: 20584-20588 (1992)
*C18	Valdivia, Raphael H., and Falkow, Stanley, "Fluorescence-Based Isolation of Bacterial Genes Expressed Within Host Cells," <i>Science</i> , Vol. 277, 26 September 1997.
*C19	Wang, Michael J., et al., "Molecular cloning of the olfactory neuronal transcription factor Olf-1 by genetic selection in yeast," <i>Nature</i> , 364:121-126 (July 8, 1993)
**C20	Yokoyama K., Yasumoto K., <i>et al.</i> , "Cloning of the Human DOPAchrome Tautomerase/Tyrosinase-related Protein 2 Gene and Identification of Two Regulatory Regions Required for its Pigment Cell-specific Expression," <i>J. Biol. Chem.</i> 269: 27080-27087 (1994)
*C21	Zou, Yimin, Evans, Sylvia, Chen, Ju, Kuo, Hai-Chien, Harvey, Richard P., and Chien, Kenneth R., "CARP, a cardiac ankyrin repeat protein, is downstream in the Nkx2-5 homeobox gene pathway," <i>Development</i> 124, 793-804 (1997)

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant(s).	